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September 6, 2001

HAND DELIVERED

Karen Getman, Chair
and Commissioners
Fair Political Practices Commission
428 J Street, 8th Floor
Sacramento, CA 95814

Re: Prenotice Discussion of Regulatory Action Regarding Section 85702,
Contributions from Lobbyists

Dear Chair and Commissioners:

This firm represents the Institute of Governmental Advocates ("IGA"). As noted in Mr. Tocher's memorandum, IGA has challenged the constitutionality of section 85702 and the grounds that it is not "closely drawn" and unnecessarily abridges the fundamental First Amendment rights of nearly 1,000 individuals who are registered lobbyists in California.

It is expected that the Honorable Frank Damrell, Jr. will issue his decision in the coming weeks. Consequently, it seems premature to discuss any further expansion of the lobbyist contribution ban as proposed by the Commission's staff. In particular, any attempt to expand the prohibition to political parties or PACs not only ignores the words of the statute, but flies in the face of constitutional law.

I recommend that this matter be tabled until a decision is rendered by the federal district court. If the statute is held unconstitutional, there is no need for a regulation. If the statute is upheld, the decision will provide the Commission with guidance as to the constitutional limitations.

Very truly yours,


Thomas W. Hiltachk